

# Order

Michigan Supreme Court  
Lansing, Michigan

October 3, 2008

Clifford W. Taylor,  
Chief Justice

136471 & (21)

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

OBADIAH KRUSE,  
Plaintiff-Appellee,

v

SC: 136471  
COA: 281910  
WCAC: 07-000079

CORT FURNITURE RENTAL and  
TRAVELERS INDEMNITY COMPANY OF  
CONNECTICUT,  
Defendants-Appellants.

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On order of the Court, the motion to file a supplement to the application is GRANTED. The application for leave to appeal the May 6, 2008 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Workers' Compensation Appellate Commission (WCAC) for reconsideration in light of *Stokes v Chrysler LLC*, 481 Mich 266 (2008). The WCAC may remand this case to the Board of Magistrates for the taking of additional proofs and for further findings upon the request of a party.

We do not retain jurisdiction.

CAVANAGH, J., would deny leave to appeal.

WEAVER, J. (*dissenting*).

I dissent from the order remanding this case to the Workers' Compensation Appellate Commission for reconsideration in light of *Stokes v Chrysler LLC*, 481 Mich 266 (2008).

Because I dissented from the majority opinion in *Stokes*, I would grant leave to appeal in this case to consider whether the *Stokes* majority reached the correct decision in *Stokes*.

KELLY, J., joins the statement of WEAVER, J.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 3, 2008

A handwritten signature in cursive script that reads "Corbin R. Davis".

Clerk